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Atty Dkt No. FDC 0143 PUS

Remarks

Reconsideration and reexamination of this application are respectfully requested. Claims 10-11 are pending in this application. No claims have been amended, cancelled, or added.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 10-11 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,679,938 issued to Templeton et al. ("Templeton") in view of Illinois Gaming Board Regulations ("Regulations"). The Applicant believes that the claimed invention is patentable over any combination of Templeton and Regulations.

1. The Claimed Invention

The claimed invention, as recited in independent claim 10, is a method for cashing a check presented by an individual at a gambling establishment. The method includes providing a host computer containing an exclusion list database. The exclusion list database stores a list of individuals to be excluded from the gambling establishment and at least one checking account identifier for each individual of the list of individuals.

In response to a point of sale device of the gambling establishment receiving a check presented by an individual for cashing, magnetic ink character recognition (MICR) information of the presented check is scanned at the point of sale device. A checking account identifier associated with the individual presenting the check is then identified based on the scanned MICR information of the presented check. The checking account identifier associated with the individual presenting the check is then transmitted from the point of sale device to the host computer.

The checking account identifier associated with the individual presenting the check is then compared with the at least one checking account identifier for each individual of

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the list of individuals stored in the exclusion list database to determine whether the individual presenting the check is an individual to be excluded from the gambling establishment. The individual presenting the check is determined to be an individual to be excluded from the gambling establishment if the checking account identifier associated with the individual presenting the check matches a checking account identifier stored in the exclusion list database. The presented check is prevented from being cashed at the point of sale device if it is determined that the individual presenting the check is an individual to be excluded from the gambling establishment. The presented check is cashed at the point of sale device if it is determined that the individual presenting the check is not an individual to be excluded from the gambling establishment.

2. Templeton and Regulations

Templeton discloses accessing a database (i.e., negative file 85) using a checking account number. (See col. 3, lines 6-16; col. 5, lines 47-57; and col. 13, lines 18-34 of Templeton.) Negative file 85 includes a list of checking account numbers in which checks having a listed checking account number should be declined for cashing. A checking account number is listed in negative file 85 if there is negative information associated with the checking account number indicative of checks having the checking account number being bad. As such, Templeton is directed to determining whether or not a check should be cashed depending on the likelihood of the check being good or bad.

Regulations discloses a gambler's exclusion list of individuals to be excluded from gambling establishments. The gambler's exclusion list includes name, physical description, and other necessary information for each listed individual.

The Examiner cited Templeton for disclosing the claimed invention with the exception of the use of an exclusion list particularly for persons excluded from gambling. The Examiner cited Regulations for disclosing this feature at pages 1-7, particularly page 3. The Examiner posited that it would have been obvious to have modified the system for check approval as disclosed by Templeton to detect the excluded individuals disclosed by Regulations

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and prevent check cashing because this would have allowed regulatory boards to prevent such individuals from obtaining cash to gamble at gambling establishments where such individuals are prohibited from gambling.

3. The Claimed Invention Compared to Templeton and Regulations

The Applicant respectfully submits that the combination of Templeton and Regulations has been made using hindsight and/or using the claimed invention itself as a template. Templeton deals with the problem of cashing bad checks and uses checking account identifiers listed in an exclusion list (negative file 85) to prevent bad checks from being cashed. Regulations discloses an exclusion list of individuals to be excluded from a gambling establishment. As such, there is no motivation to combine Templeton with Regulations because Templeton is directed to preventing bad checks from being cashed by using an exclusion list whereas Regulations is directed to a gambling establishment exclusion list listing individuals that are to be prevented from being present in a gambling establishment. Accordingly, there is nothing contained within either of these references that would suggest their combination.

The Examiner noted that the cited references regarding Mr. Frank DeSimone indicate that persons accused of uttering counter checks should be excluded from gambling. As such, the Examiner posited that this strengthens the motivation to combine the check approval and gambling exclusion references. The Applicant acknowledges that Mr. DeSimone's counter checks are bad checks which should not be cashed and that Mr. DeSimone is an individual that should not be in a gambling establishment because he is an excluded person for reasons including counterfeiting concerns.

However, regardless of the desire to exclude persons such as Mr. DeSimone accused of uttering counter checks from gambling as taught by the cited references, the motivation to combine the check approval and gambling exclusion references is still lacking. The motivation is still lacking because Mr. DeSimone is to be prevented from gambling at a

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gambling establishment regardless of whether he presents a counter or valid check for cashing at the gambling establishment.

If Mr. DeSimone presented a counter check at a gambling establishment, the check approval provided by Templeton would be operable to not cash Mr. DeSimone's counter check while Regulations would list Mr. DeSimone as an individual that is not to be present in a gambling establishment. However, combining Templeton and Regulations in this scenario would not result in the claimed invention because Templeton is directed to preventing a counter check from being cashed by an individual regardless of whether the individual is listed on a gambling establishment exclusion list as taught by Regulations. That is, Templeton would prevent the counter check from being cashed regardless if Mr. DeSimone is an individual to be excluded from the gambling establishment while Regulations would list Mr. DeSimone as an individual to be excluded regardless of whether any check presented by Mr. DeSimone is valid or invalid.

Combining Templeton and Regulations would not result in the claimed invention because neither of these references, alone or in combination, teaches or suggests preventing a check presented by an individual in an establishment from being cashed if the individual is to be excluded from the establishment such as a gambling establishment. The determination of whether a check is to be excluded from being cashed for fear of the check being bad as taught by Templeton involves a different consideration than whether an individual presenting the check is to be excluded from an establishment.

In contrast, the claimed invention is directed to comparing checks such as Mr. DeSimone's counter and valid checks with a gambling establishment exclusion list to determine whether Mr. DeSimone is to be excluded from the gambling establishment as opposed to determining whether Mr. DeSimone's checks should be cashed. As such, combining the check approval provided by Templeton with the gambling exclusion references including the cited references regarding Mr. DeSimone would not result in the claimed invention because none of the cited references, alone or in combination, is directed to comparing a check with an

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establishment exclusion list to determine whether an individual presenting the check is to be excluded from an establishment.

In view of the foregoing remarks, independent claim 10 overcomes the rejection under 35 U.S.C. § 103(a) as being unpatentable over any combination of Templeton and Regulations. Claim 11 depends from independent claim 10 and includes the limitations therein. Thus, dependent claim 11 also overcomes the rejection under 35 U.S.C. § 103(a).

CONCLUSION

In summary, claims 10-11 meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

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